

REMARKS

In the Office Action mailed December 21, 2007, the Examiner noted that claims 1-17 were pending, and rejected all claims. Claims 1-17 have been amended, new claims 18-23 have been added, and, thus, in view of the forgoing claims 1-23 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

In the Office Action the Examiner rejected all claims under 35 U.S.C. section 101 as non-statutory.

In particular, the Examiner asserted as a basis for the rejection "the result produced does not have a real world value but is still a mere number without practical application recited in the claims to make it a useful, concrete and tangible result.". The claims have been amended to clarify that the result is used for the practical application of "cryptography" which in today's dangerous world has real world value. Withdrawal of the rejection for this reason is requested.

Further, with respect to the claims it is submitted that the production of a partial product is useful in and of itself in many fields. Withdrawal of the rejection for this further reason is requested.

Additionally, claims 1-12 are directed to a circuit which falls into the statutory class of machine. It is submitted that a circuit, in and of itself is useful. Withdrawal of the rejection for this additional reason is requested.

With respect to this rejection under 35 USC 101, the Examiner is requested to review the following patents and the claims therein:

7,313,585 - allowed by Examiner Malzahn  
RE38,387 - allowed by Examiner Mai  
6,411,979 - allowed by Examiner Malzahn  
6,353,843 - allowed by Examiner Malzahn  
7,185,041 - allowed by Examiner Chuong D. Ngo

In particular, the Examiner is requested to explain why the above identified patent application is being rejected under 35 USC 101 in view of the claims allowed in the above-noted patents. Are we to presume that the other Examiner's and the current Examiner are issuing patents that do not satisfy 35 USC 101. The Examiner is encouraged consult with these other Examiners on this issue. Withdrawal of the rejection is requested.

Claims 8-12 are what is commonly called means plus function claims which are particularly authorized by 35 USC 112, paragraph 6 as a special statutory class of claims. This

statute states "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." (emphasis added). In particular, the present application discloses particular circuit (machine) structure throughout the specification and drawings. It is submitted that when interpreted in light of the specification, these means plus function claims 8-12 qualify as statutory. Withdrawal of the rejection is requested.

With respect to the means plus claims 8-12, the Examiner is also requested to review the following patent issued by the current Examiner 7,296,048 and explain why the claims of the above-identified patent were allowed but the means plus function claims of this application are being rejected as no practical application of a real world result is being recited in the claims of U.S. Patent 7,296,048. Has the Examiner issued claims that do not satisfy the requirement of 35 USC 101? The Examiner is asserting a requirement now that the Examiner has never asserted before as evidenced by U.S. Patent 7,296,048. Withdrawal of the rejection is requested.

In addition the Examiner asserts, as a basis for the rejection, that the claims preempt "the claimed manipulation and calculation of data, since the claims appear to cover every substantial practical application." This assertion is traversed. Those circuits and their equivalents that have the features of the claims would be preempted and not those that accomplish the same result by other means as is intended by the patent law. Withdrawal of the rejection is requested.

New claims 18-22 have been added and emphasize the connectiveness of the circuits. New claim 23 also emphasizes the claiming of a circuit in the statutory class of machines. It is submitted that these new claims are statutory.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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